



STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

Rhode Island State Labor Relations Board

Building 73
1511 Pontiac Avenue
Cranston, Rhode Island 02920-4407
Website: www.dlt.state.ri.us/lrb

OPEN MINUTES BOARD MEETING

TIME: 9:00 a.m.
DATE: Tuesday, March 20, 2007
PLACE: 1511 Pontiac Ave., Building #73, 2nd Floor, Cranston, RI 02920

BOARD MEMBERS IN ATTENDANCE:

Walter J. Lanni, Chairman
Frank J. Montanaro
John R. Capobianco
Ellen L. Jordan
Gerald S. Goldstein
Elizabeth Dolan

MEMBERS ABSENT:

Joseph Mulvey

OTHERS PRESENT:

Robyn H. Golden, Administrator
Dianalynn Saccoccio, Case Agent
Margaret Hogan, Esquire

Chairman Lanni called the meeting to order in Open Session at 9:15 a.m.

All members reviewed the Open Minutes of the January 9, 2007 Board Meeting. A Motion was made by John Capobianco and seconded by Gerald Goldstein to accept the Open Minutes as written, and it was unanimously

VOTED: by all Board Members present to accept the minutes as written.

The meeting continued in open session:

UNIT CLARIFICATION / ACCRETION CASES:

1. Case No. EE-3039-3040-3041-3042
City of Providence & RI Laborers' District Council
UNIT CLARIFICATION: Recreation Center Director

After review of the Investigator's report, a Motion was made by Elizabeth Dolan and seconded by John Capobianco to proceed to Formal Hearing, in lieu of any preliminary determinations. After discussion, all Board members present voted in favor of the Motion. Motion passed.

2. Case No. EE-3575
State of RI – Department of Health & NEARI
UNIT CLARIFICATION: Principal Community Development Specialist

After review of the Investigator's report and the Union's response, a Motion was made by Frank Montanaro and seconded by John Capobianco to accept the Investigator's report as written; thus, to **preliminarily accrete** the position(s) of **Principal Community Development Specialist** into the bargaining unit defined in Case No. EE-3575. After discussion, all Board members present voted in favor of the Motion. Motion passed.

CONSENT AGREEMENT & AFFIDAVIT CASES:

1. Case No. EE-3433
East Greenwich Fire District & East Greenwich Fire Fighters' Association
UNIT CLARIFICATION/EXCLUSION: Deputy Fire Chief

Frank Montanaro abstained from voting in this matter.

After review of the Consent Agreement and Affidavit executed and presented by the parties, a Motion was made by Gerald Goldstein and seconded by Ellen Jordan to acknowledge and accept the parties' signed agreement; that the position(s) of **Deputy Fire Chief**, shall be and is hereby **excluded** from the bargaining unit as defined by Certification No. EE-3433. After discussion, all Board Members present voted in favor of the Motion. Motion passed.

DRAFTED DECISIONS:

1. Case No. ULP-5761
City of Cranston & RI Laborers' District Council, Local 1033

This case was heard formally by Walter Lanni, Frank Montanaro, Joseph Mulvey, John Capobianco, Gerald Goldstein, Elizabeth Dolan, and Ellen Jordan.

After review of the drafted decision, a Motion was made by Gerald Goldstein and seconded by Frank Montanaro to sign the Decision and Order, as written. After discussion, all Board Members present voted in favor of the Motion and did sign the Decision and Order, as written. Elizabeth Dolan, Ellen Jordan, and Gerald Goldstein signed the Decision and Order as dissenting,

Staff will contact Joseph Mulvey to obtain his vote on this motion.

Staff contacted Joseph Mulvey for his vote in this matter. Mr. Mulvey voted in favor of this Motion, and signed the Decision and Order, as written. Motion passed.

ORDER: 1) The Employer's Motion to Amend its Answer to include an affirmative defense is hereby granted. 2) To the extent that the Employer still provides crossing guard services as a service to its taxpayers, the Employer is hereby ordered to negotiate with the Union relative to the terms and conditions of employment for employees providing the bargaining unit work of Crossing Guard services for the upcoming school year.

2. Case No. ULP-5769
Newport School Committee & Teachers' Association of Newport/NEARI

This case was heard formally by Walter Lanni, Joseph Mulvey, John Capobianco, Gerald Goldstein, Elizabeth Dolan, and Ellen Jordan. Frank Montanaro reviewed the transcript and briefs, as well as the evidence submitted therein.

After review of the drafted decision, a Motion was made by Frank Montanaro and seconded by Elizabeth Dolan to sign the Decision and Order, as written. After discussion, all Board Members present voted in favor of the Motion and did sign the Decision and Order, as written. Elizabeth Dolan, Ellen Jordan, and Gerald Goldstein signed the Decision and Order as dissenting,

Staff will contact Joseph Mulvey to obtain his vote on this motion.

Staff contacted Joseph Mulvey for his vote in this matter. Mr. Mulvey voted in favor of this Motion, and signed the Decision and Order, as written. Motion passed.

ORDER: 1) The Employer is ordered to cease and desist from permitting the Behavior Management Specialist to mete out discipline to students at Rogers High School. 2) The Employer is ordered to cease and desist from having the Assistant Principal perform the primary role of discipline of the ninth grade students. 3) The Employer is ordered to transfer the primary role of discipline, of ninth grade students, back to bargaining unit personnel.

3. Case No. ULP-5744
City of Cranston & International Brotherhood of Teamsters, Local 251

This case was heard formally by Joseph Mulvey, John Capobianco, Gerald Goldstein, Elizabeth Dolan, and Ellen Jordan. Walter Lanni and Frank Montanaro reviewed the transcript and briefs, as well as the evidence submitted therein.

After review of the drafted decision, a Motion was made by John Capobianco and seconded by Frank Montanaro to sign the Decision and Order, as written. After discussion, all Board Members present voted in favor of the Motion and did sign the Decision and Order, as written. Elizabeth Dolan, Ellen Jordan, and Gerald Goldstein signed the Decision and Order as dissenting,

Staff will contact Joseph Mulvey to obtain his vote on this motion.

Staff contacted Joseph Mulvey for his vote in this matter. Mr. Mulvey voted in favor of this Motion, and signed the Decision and Order, as written. Motion passed.

ORDER: The Employer is hereby ordered to cease and desist from relying on blanket prohibitions for access to personnel files by certified bargaining representatives and to bargain with the union over future access to personnel files.

4. Case No. EE-3623
Town of Hopkinton & RI Council 94, AFSCME, AFL-CIO

This case was heard formally by Walter Lanni, John Capobianco, Elizabeth Dolan, and Gerald Goldstein. Frank Montanaro, Joseph Mulvey, and Ellen Jordan reviewed the transcript and briefs, as well as the evidence submitted therein.

After review of the drafted decision, a Motion was made by Gerald Goldstein and seconded by Frank Montanaro to sign the Decision and Order, as written. After discussion, all Board Members present voted in favor of the Motion and did sign the Decision and Order, as written. Elizabeth Dolan, Ellen Jordan, and Gerald Goldstein signed the Decision and Order as dissenting.

Staff will contact Joseph Mulvey to obtain his vote on this motion.

Staff contacted Joseph Mulvey for his vote in this matter. Mr. Mulvey voted in favor of this Motion, and signed the Decision and Order, as written. Motion passed.

ORDER: The position of Finance Director, held by Janice C. Bergeron, shall be and is hereby accreted to the bargaining unit covered by EE-3623.

MISCELLANEOUS MATTERS:

1. Case No. EE-3289
East Greenwich School Committee & East Greenwich Educational Support
Personnel/NEARI/NEA

After review of the request submitted for an Amendment to the Certification of Representation regarding a unit name change in the above-entitled matter, by the East Greenwich Educational Support Personnel/NEARI/NEA, a Motion was made by Elizabeth Dolan and seconded by Ellen Jordan to accept the change and sign as written. After discussion, all Board Members present voted in favor of the Motion. Motion passed.

Ellen Jordan made a Motion for the Board to go into Closed Session for the purpose of reviewing Unfair Labor Practices, Miscellaneous Matters and the Minutes to be closed, pursuant to 42-46-5(a)(2)(4) of the Open Meetings Law. It was seconded by Elizabeth Dolan, and it was unanimously

VOTED: for the meeting to go into closed session and to close the minutes.

The meeting and minutes were closed at 9:35 a.m.

The meeting resumed in open session at 9:55 a.m. for the purposes of reading into the Minutes the determinations made by the Board in Closed Session.

UNFAIR LABOR PRACTICE CHARGES:

1. ULP-5818
Town of Charlestown & Teamsters Local No. 251

DETERMINATION: issue a Complaint and proceed to formal hearing.
Motion to Dismiss – denied without prejudice.

2. ULP- 5829
North Smithfield School Committee & NEARI

DETERMINATION: issue a Complaint and proceed to formal hearing.

3. ULP- 5832
City of East Providence & USW, LOCAL 15509

DETERMINATION: issue a Complaint and proceed to formal hearing.
Motion to Dismiss – denied without prejudice.

4. ULP- 5833
State of RI – Department of Elderly Affairs & RI Council 94

DETERMINATION: issue a Complaint and proceed to formal hearing.

5. ULP- 5834
State of RI – Department of Health & NEARI

DETERMINATION: issue a Complaint and proceed to formal hearing.

6. ULP- 5835
State of RI – Department of Health & NEARI

DETERMINATION: issue a Complaint and proceed to formal hearing.

7. ULP- 5836
State of RI – Department of Health & NEARI

DETERMINATION: issue a Complaint and proceed to formal hearing.

8. ULP- 5838
State of RI – Department of Revenue, Division of Motor Vehicles &
RI Laborers' District Council, Local 808

DETERMINATION: issue a Complaint and proceed to formal hearing.

A Motion to adjourn was made by Frank Montanaro and seconded by John Capobianco, and it was unanimously,

VOTED: to adjourn the meeting at 10:00 a.m.